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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/918,576

07/31/2001

Robert M. Dunn

CA920000062US1

1855

7590

10/06/2006

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EXAMINER

KARMIS, STEFANOS

ART UNIT

PAPER NUMBER

3691

DATE MAILED: 10/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/918,576	Applicant(s) DUNN, ROBERT M.	
	Examiner Stefano Karmis	Art Unit 3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The following application, filed 31 July 2001 has been reviewed. Original claims 1-24 are pending.

Claim Objections

1. Claim 24 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 24 is claiming an independent claim in dependent format and is therefore in improper dependent form. Appropriate correction is required.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-8, 10-17 and 20-24 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 1-24 fail to produce a tangible result.

With respect to claims 1 and 10 the Examiner finds these claims to lack a tangible result. In order to be a tangible result, the process must produce a real-world result. The final step of independent claim 1 states, "apportioning the total result to the set of commerce objects in proportion to the set of mathematical weights." This step does not actually output the validation

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to a user or record it in a database, and therefore there is no tangible result. Re-writing claim 9 into claim 1 would overcome this rejection. Claims 2-8, 10-17 and 20-24 are rejected under the reasoning of claim 1.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Danford-Klein et al. (hereinafter Danford-Klein) U.S. Patent 6,061,667 in view of Blinn et al. (hereinafter Blinn) U.S. Patent 6,058,373.

Regarding claims 1, 10 and 24, Danford-Klein teaches a method of providing a calculation scale framework for use in an electronic commerce environment comprising a computer network, the electronic commerce environment defining a calculation rule, and a set of commerce objects being defined by the electronic commerce environment, the method comprising:

providing a calculation scale comprising calculation ranges, each said calculation range being either cumulative or non-cumulative and having an associated range start number, an optional currency attribute, which if present specifies the currency of the range start numbers, and an optional unit of measure attribute, which is present specifies the unit of measure for the range start numbers (column 12, lines 64 thru column 13, line 13);

providing a calculation scale look up interface to return a look up number, a base monetary value, a result multiplier and a set of mathematical weights corresponding to the set of commerce objects (column 15, lines 43-63);

providing a range look up result interface to return a calculation result (column 15, line 64 thru column 16, line 15); and

providing a multiplication product of the calculation result and the result multiplier (column 16, lines 23-39).

Danford-Klein fails to teach the totaling steps. Blinn teaches processing electronic order forms by providing a total result by adding the multiplication product to a previously determined sum of multiplication products, for cumulative calculation ranges or, replacing the previously determined multiplication product for noncumulative calculation ranges; and apportioning the

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total result to the set of commerce objects in proportion to the set of mathematical weights (column 29, lines 50-59). It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Danford-Klein and include the teachings of Blinn because it provides for obtaining a total when using a calculation scale framework along with calculation rules, unit of measurements and associated ranges.

Claims 2 and 12, passing the set of commerce objects, the calculation rule, and the calculation scale to the calculation scale look up interface (column 15, lines 43-63).

Claims 3 and 13, comprising passing a currency, a calculation range look up result, an applicable part of a look up number, and an applicable part of a base monetary value (column 17, lines 31-50).

Claims 4 and 14, wherein the applicable part of the look up number is returned by the calculation scale look up interface (column 17, lines 31-50).

Claims 5 and 15, wherein the applicable part of the base monetary value is returned by the calculation scale look up interface (column 17, lines 31-50).

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Claims 6 and 16, wherein the calculation scale look up interface returns parameters comprising: a look up number for comparison to a predetermined set of range start values; the base monetary value; the result multiplier; the set of mathematical weights; and an exception if a required conversion defined by the electronic commerce environment is not available (column 17, lines 31-50).

Claims 7 and 17, Danford-Klein in view of Blinn fails to teach that the range look up result interface returns an exception if a calculation result is not available in a currency specified by the electronic commerce environment. Official Notice is taken that providing exceptions in the financial arts is old and well known. Therefore it would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Danford-Klein in view of Blinn and include returning an exception if a calculation result is not available in a specified currency because it communicates the status of the transaction data so that a correction or another option can be made.

Claims 8 and 18, Danford-Klein fails to teach totals. Blinn teaches that the total results are apportioned by one or more of a group of parameters having quantity, quantity spread by net price, weight, weight spread by net price, non discounted price, net price, unit price, taxable net price, and taxable unit price (column 29, lines 50-59).

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Claims 9 and 19, wherein the range look up result interface returns the calculation result calculated from one or more in a set of parameters having a fixed amount, a per unit amount, and a percentage (column 17, lines 31-49 and column 16, lines 24-40). It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Danford-Klein and include the teachings of Blinn because it provides for obtaining a total when using a calculation scale framework along with calculation rules, unit of measurements and associated ranges.

Claim 11, wherein the recording medium is one of a group of magnetic recording media having a computer disk, a CDROM, and a hard drive (column 4, lines 47 thru column 5, line 7).

Claims 20, wherein said computer readable code means comprises a computer readable signal and said medium comprises a computer readable signal-bearing medium (column 4, lines 47 thru column 5, line 7).

Claim 21, wherein said medium is a recordable data storage medium (column 4, lines 47 thru column 5, line 22).

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Claim 22, Danford-Klein in view of Blinn fail to teach that the medium is a modulated carrier signal. Official Notice is taken that modulated carrier signals are old and well known in the art. Therefore it would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Danford-Klein in view of Blinn and include that that the medium is a modulated carrier signal because it is an effective way of communicating data for use in a computer network environment.

Claim 23, wherein said signal is a transmission over a network (column 4, lines 47 thru column 5, line 22).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefano Karmis whose telephone number is (571) 272-6744. The examiner can normally be reached on M-F: 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

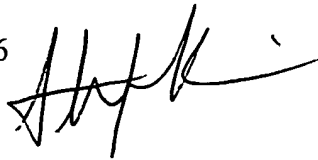
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Respectfully Submitted

Stefano Karmis

01 October 2006



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